

GOVERNMENT OF ANDHRA PRADESH

A B S R A C T

Social Welfare Department – Land Acquisition for House Sites – Guntur District – Pedakakani, Village & Mandal - Land Acquired for provision of house sites to the weaker section people – Sanction of Rs.11,85,655/- towards balance decretal charges in O.P No.14/82 – Orders- Issued.

SOCIAL WELFARE (LA.1) DEPARTMENT

G.O Rt.No. 23

Dated: 16.01.2014

Read the following

1. From the District Collector, Guntur, Lr.Rc.No.1992/1970-G1, dated 20.9.2012.
2. From the Commissioner of Social Welfare, A.P., Hyderabad Lr.No.LA4/8346/2012, dated 23.3.2013.
3. From the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad Lr. No.S2/226/2013, dt.16.05.2012

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ORDER:

In the reference 3rd read above, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the land measuring an extent of Ac 8.39 Cts was acquired in Sy. No : 439, 494, 551 and 553 situated at Pedakkakani, Village and Mandal of Guntur Dist through an Award Procs. No 12/81 dated 12.03.1981 of LAO/ DSWO, Guntur for provision of house sites to the poor Harijans, the LAO has fixed the land value @ Rs. 7,000/- per acre allowing the interest at Rs.4/- per annum from the date of advance possession of the land i.e., 13.6.1978 to date of Award i.e., 12.3.1981. Aggrieved by the fixation of market value, the claimant has filed OP. No : 14/82 in respect of Ac 4.21 Cts (out of Ac 8.39 Cts) in Sy. No : 493, 494, 551 and 553 in Pedakakani Village and Mandal of Guntur Dist U/s 18 of LA Act before Principle Subordinate Judge Guntur and the Lower Court in its orders dt 31.08.1982 in LAOP No.14/1982 has enhanced the market value from Rs.7,000/- to Rs.35,000/- per acre and 15% Solatium. The enhancement made by the Lower Court is more than 50% of the award passed by the LAO. An Appeal No.1362/83 was filed before the Hon'ble High Court . The Hon'ble High Court disposed the Appeal on 01.2.1989 duly confirming the Lower Court orders and also directed that claimants are entitled to all the benefits of the amendments Act as follows:

1. That in addition to the market value of the land, the claimant shall be entitled to additional amount calculated at the rate of 12% per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4(1) in respect of such, land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier as contemplated under section 23 (LA) Act,
2. That, in addition to the market value of the land, the claimant shall, also be entitle to Solatium a sum 30% on such market value, as stipulated under section 23(3) of the said act.,
3. That if the amount of compensation not paid or deposited on or before taking possession of the land, the claimant shall be entitled to the interest ,on such amount, at the rate of 9% p.a. from the time of taking such compensation or any part thereof is not paid or deposited within a period of one year from the date of taking possession , interest at the rate of 15% p.a. shall be paid from the date of compensation or part there of which has not been paid or deposited as provided under section34 of the said act.
4. That the payment on Solatium interest etc., shall be subject to the decision of Supreme Court for the event of the Supreme Court holding that the amendment Act does not apply to the pending cases, it is open to the state to file an applicant to review the decree,. Against this amount of Rs. 6,79,366/- was (deposited in the court including the award amount).

PTO

The claimants filed an EP. No : 248/93 in LAOP No.14/1982 . The Addl Sr.Civil Judge, Guntur, disposed the EP. No : 248/93 dt : 24.04.2002 duly rejecting the calculations made by the LAO and directed the petitioner can recover Rs. 32.555-35 Ps with subsequent interest @ 15% p.a. from 25.08.1984 till realization and directed for payment. The Claimants filed CRP No : 4020/2002 before the Hon'ble Court against the orders dated 24.04.2002 of the Civil Court in EP No : 248/93 and claimed Rs. 4,94,683-35 towards decretal charges in the cases. The Hon'ble High Court disposed this CRP No : 4020/2002 on 02.09.2003 holding that the claimants are entitled the interest on Solatium also. Aggrieved by orders dated 24.04.2002 issued in EP.No : 248/93 the then LAO has filed a Civil Revision Petition No :1231/2005 before the Hon'ble High Court of AP, Hyderabad. The Hon'ble High Court dismissed the revision petition on 15.04.2005 by observing that 'the learned Addl. Senior Civil Judge, Guntur in detail examined the calculations memos filed by the respondents-decree holders and as well as the petitioner judgement debtor and recorded findings on each aspect of the matter. No illegality in the order is pointed out and find that no merit in this revision petition and the same shall accordingly stand dismissed with no costs. Aggrieved with the order dated 15.04.2005 in CRP No.1231/2005, the LAO had filed an Appeal through Civil Revision Petition No : 3023/2005. The Hon'ble Court in CMP No : 4038/2005 in CRP No : 3023/2005, issued interim stay orders on 09.6.2005.

2. The Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that, the Hon'ble High Court dismissed the Revision Petition No : 3023/2005 dated 04.12.2008 with a view that there is no merits and the orders passed by the Court in CRP No.1231/2005 Dated 15.04.2005 will operate as Resjudicata, therefore, this Revision Petition is not maintainable. The Government Pleader, Guntur has opined that there are no valid grounds to file an appeal in the matter. The District Collector, Guntur has submitted proposals for sanction of Rs.11,86,168/- towards payment of decretal charges for the lands acquired to an extent of Ac.4.21 cents in Sy. No 493, 494, 551 and 553 in Pedakakani Village and Mandal of Guntur District for the purpose of providing house sites to the Harijans.

3. After verification and scrutiny of the proposals submitted by the Commissioner of Social Welfare/District Collector, Guntur the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has sent comparative calculation sheet for sanction of Rs. 11,85,655/- (Rupees Eleven lakhs Eighty Five thousand Six hundred and Fifty Five only) towards payment of decretal charges for the lands acquired to an extent of Ac.4.21 cents in Sy.No 493, 494, 551 and 553 in Pedakakani Village and Mandal of Guntur District for the purpose of providing house sites to the Harijans.

4. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release an amount of Rs. 11,85,655/- (Rupees Eleven lakhs Eighty Five thousand Six hundred and Fifty Five only) to the District Collector, Guntur towards payment of decretal charges for the lands acquired to an extent of Ac.4.21 cents in Sy.No 493,494,551 and 553 in Pedakakani Village and Mandal of Guntur District for the purpose of providing house sites to the Harijans.

5. The expenditure sanctioned in para (4) above shall be met within the BE.2013-14 and debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

6. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, Guntur to comply with the Court orders in E.P No.248/1993 in OP No.14/1982.

Contd.,

7. The District Collector, Guntur shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

8. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Special Chief Secretary & Chief Commissioner of Land Administration,
A.P., Hyderabad
The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, Guntur
Copy to:
The Director of Treasury & Accounts, A.P., Hyderabad,
The Accountant General, A.P., Hyderabad,
The District Treasury Officer, Guntur District.
Finance (Exp.SW/BG) Department
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER